

RUMSON ZONING BOARD  
SEPTEMBER 15, 2020  
MINUTES

The virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mr. Torcivia, Mrs. McGill  
Absent: Mr. Izzo

Also present: Bernard Reilly, Esq., Fred Andre', Zoning Officer

The notice requirements of the Open Public Meetings Act were stated as being met.

Fred Andre', the Borough Zoning Officer was sworn in.

**APPLICATIONS:**

Chairman Brodsky requested the Continued application of **74 West River Road, LLC**, for property located at 74 West River Road be presented for the Board's consideration.

Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm, representing the applicant addressed the Board. Mr. Brodsky supplied the Board with a revised Site Plan revised through 8/31/2020, which was marked B-1.

Mr. Brodsky called Anthony Condouris. Mr. Condouris was sworn at the last meeting and remains under Oath. Mr. Condouris described the revised location of the proposed gate house, the proposed landscaping plan, and stated that there are no other changes to the plans. The new gate house will now be setback approximately 650 feet from W. River Road. The lighting will be low-profile residential lights.

Chairman Brodsky opened the application for public comments and/or questions. There being none, the public portion was closed.

After Board discussion, Chairman Brodsky asked the pleasure of the Board. Mrs. Kirkpatrick made a Motion to approve the revised application; Seconded by Mr. Hofferber.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill

Nays: None

Abstain: Mr. Torcivia

In anticipation of the Board looking favorably on the revised application, Mr. Reilly submitted a Resolution approving the application with the condition that the structure contain no livable space and shall remain as a guard/gate house.

Mrs. Kirkpatrick made a motion to approve the Resolution as submitted; Seconded by Mrs. Carras.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill

Nays: None

Abstain: Mr. Torcivia

Chairman Brodsky announced that the application of **Little Silver Investors, LLC**, for property located at 1 Meadowbrook Avenue be presented for the Board's consideration.

David Shaheen, Esquire representing the applicant addressed the Board. Mr. Shaheen introduced Timothy J. Shaheen, Manager of Little Silver Investors, LLC. Timothy Shaheen was sworn in.

Timothy Sheehan testified that the application is to raze the existing residence and construct a new single-family residence. The property is currently nonconforming in Lot Area, Lot Width and Frontage and Existing and Interior Lot Shape. The new construction will create nonconformities in the Side and Rear Setbacks, Maximum Building Coverage and Floor Area. The new residence will be elevated to comply with the required Base Flood Elevation. Timothy Shaheen described the architectural details and the interior layout of the home.

Timothy Shaheen stated that the lot is 40 feet by 100 feet. The proposed application improves some of the existing nonconformities at the property. The Floor Area is increasing to 1,675 square feet and 1,599 square feet is permitted.

The permitted maximum floor area is 1,599 square feet and the applicant is proposing 1,675 square feet. The proposed residence is moderately sized consisting of three bedrooms, a living room, a dinette, a study, a laundry room, kitchen. The requested variance makes the home more desirable in today's market.

Chairman Brodsky opened the application for public comments and/or questions. There being none, the public portion was closed.

After Board discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Shissias made a Motion to approve the application as presented; Seconded by Mr. Blum.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill, Mr. Torcivia

Nays: None

Chairman Brodsky announced the application of **William and Tracy Marucci** for property located at 55 Bingham Avenue be presented for the Board's consideration. Tracy and William Marucci, the property owners, were sworn in.

Mrs. Marucci stated that the application is to cover the existing 20 foot by 16-foot rear deck area and construct a new uncovered 11 foot by 3-foot grill area at the existing premises in order to extend their outdoor living space. The new construction creates a nonconformity in Maximum

Building Coverage. The permitted building coverage is 2,256 square feet and the application proposes 2,499 square feet.

Board Members expressed concern with granting a variance request without a hardship. The plans before the Board do not reflect the shed on the property and was not included in the calculations.

Chairman Brodsky opened the application for public comments and/or questions. Gregg Macgillis residing at 53 Bingham Avenue was sworn in. Mr. Macgillis stated that his property is already experiencing runoff from the subject property. He is concerned with additional runoff caused by adding to the lot and building coverages.

Mrs. Marucci requested the application be carried to the next meeting in order to revise the plans, supply accurate calculations and address the drainage on the property.

Chairman Brodsky announced that the application will be carried to the October 20, 2020 Meeting without further notice being required.

Chairman Brodsky announced that the application of **Robert and Laila LoCascio** for property located at 25 Robin Road be presented for the Board's consideration.

F. Bradford Batcha, Esquire representing the applicants addressed the Board. Mr. Batcha stated that the proposal is to raze the existing residence and construct a new single-family residence with a detached garage at the existing premises.

Mr. Batcha introduced Robert and Laila LoCascio, the property owners. Mr. and Mrs. LoCascio were sworn in. Mr. and Mrs. LoCascio explained their history with the property and their proposal.

Mr. Batcha introduced Robert W. Adler, Jr., a New Jersey licensed architect. Mr. Adler was sworn in and the Board accepted his credentials.

Mr. Adler described the architectural details of the proposed new dwelling and detached garage. The property is slightly over size. Mr. Adler described the existing property. Mr. Adler described the homes and properties in the neighborhood.

Mr. Batcha introduced Andrew Janiw, a New Jersey licensed planner. Mr. Janiw was sworn in and the Board accepted his credentials.

Mr. Janiw testified that the new construction will create a nonconformity in the Maximum Floor Area, which requires a variance. The application proposes 3,849 square feet and 3,500 square feet is permitted. Mr. Janiw testified that the property consists of approximately 21,122 square feet and is substantially over-sized for the zone. Mr. Janiw described the surrounding properties.

Mr. Janiw stated that the relief being sought can be granted under balance test of the MULA. The benefits of granting the variance outweigh

any detriments. The application is a unique situation and mandated a unique application in terms of architecture. The proposal is consistent with the zoning and all other aspects are consistent. The massing of the structure is to the rear and will not be obvious from the street.

The benefits of granting the variance provides adequate space and appropriate locations for a variety of uses, promotes a desirable visual environment, encourages development of properties and enhances the neighborhood.

There will be no substantial impact to the zone plan, zoning ordinances and Master Plan. This proposal will be an asset to the neighborhood. Mr. Adler discussed the proposed grading at the property.

Board Members requested that a detailed grading and drainage plan be submitted for the Board professionals' review and approval. The applicant is willing to comply.

Chairman Brodsky opened the application for public comments and/or questions. Betty Leon residing at 27 Robin Road. Ms. Leon was sworn in. Ms. Leon spoke in favor of the application.

There being no further public comments and/or questions, the public portion was closed.

After Board discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Hofferber made a Motion to approve the application conditioned upon the engineering review; Seconded by Mrs. McGill.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill, Mr. Torcivia

Nays: None

## **RESOLUTIONS**

Mr. Reilly submitted a Resolution approving the applications of Christopher and Darice Asaro for property located at 115 Rumson Road, Block 122, Lot 2, conditioned upon DEP approval. Mrs. Kirkpatrick made a Motion to approve the Resolution as submitted; Seconded by Mr. Blum.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill

Nays: None

Abstain: Mr. Torcivia

Mr. Reilly submitted a Resolution approving the application of Bradford Going for property located at 7 Maplewood Avenue, Block 50, Lot 10. Mrs. Kirkpatrick made a Motion to approve the Resolutions as submitted; Seconded by Mr. Blum.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mrs. McGill

Nays: None

Abstain: Mr. Torcivia

Recused: Mr. Shissias

Chairman Brodsky asked for comments on the August 18, 2020 Zoning Board Minutes. Mrs. McGill made a Motion to approve the Minutes as submitted; Seconded by Mr. Hofferber. By voice vote the August 18, 2020 Zoning Board Minutes were approved with Mr. Torcivia and Mr. Shissias abstaining from the vote.

There being no further business before the Board, the meeting was adjourned at approximately 9:55 p.m.

The next scheduled virtual meeting will be October 20, 2020 at 7:30 p.m.

Respectfully submitted,  
Michele MacPherson